

**CITY OF CENTENNIAL,
COLORADO**

ORDINANCE NO. 2016-O-04

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
CENTENNIAL, COLORADO AMENDING CHAPTER 7 AND CHAPTER
12 (2011 LAND DEVELOPMENT CODE) OF THE MUNICIPAL CODE
CONCERNING RESIDENTIAL BEEKEEPING**

WHEREAS, the City of Centennial (the “City”) is a Colorado home rule municipality organized pursuant to Article 20 of the Colorado Constitution; and

WHEREAS, in accordance with its home rule powers, the City has the authority to regulate matters of local concern; and

WHEREAS, the City finds beekeeping to be a matter of local concern as the State of Colorado has not declared beekeeping to be an area of statewide concern; and

WHEREAS, additionally, matters of zoning and land use regulation are areas of local concern; and

WHEREAS, pursuant to Article 23, Title 31 of the Colorado Revised Statutes, the City has authority to regulate the development of land within the City for the purposes of promoting the public health, safety, convenience, and the general welfare of the community; and

WHEREAS, the City Council has adopted the 2011 Land Development Code (“2011 LDC”) by enactment of Ordinance No. 2010-O-13 and Ordinance No. 2011-O-14; and

WHEREAS, the 2011 LDC has been codified as Chapter 12 of the Municipal Code via Ordinance No. 2012-O-10; and

WHEREAS, the City Council Residential Beekeeping Subcommittee recommends changes to the 2011 LDC and the Municipal Code to address and regulate beekeeping; and

WHEREAS, the City Council has determined that bees can be maintained within populated areas in reasonable densities without causing a nuisance if the bees are properly located and carefully managed; and

WHEREAS, the City Council finds that keeping of bees is consistent with encouraging private agricultural activities within the City and that bees are beneficial to the community in that they produce honey, wax, and other useful products and pollinate nearby fruits and gardens; and

WHEREAS, at a duly noticed public hearing, the City of Centennial Planning and Zoning Commission recommended the proposed changes to the 2011 LDC to the City Council for approval; and

WHEREAS, in conformance with the 2011 LDC, the public hearings before the Planning and Zoning Commission and City Council were properly noticed, including publication in *The Villager*; and

WHEREAS, the City Council has determined that the adoption of this Ordinance will further the public health, safety and welfare of the residents of the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CENTENNIAL, COLORADO, ORDAINS:

Section 1. The foregoing recitals are affirmed and incorporated herein by this reference as findings of the City Council.

Section 2. **Amendment to Municipal Code.** Article 2 of Chapter 7 of the Municipal Code, entitled “Nuisances,” shall be amended by the addition of a new Section 7-2-70. The existing Section 7-2-70 entitled “General exceptions to nuisance regulations” shall become Section 7-2-80 without revision or change. The new Section 7-2-70 shall read in full as follows:

Sec. 7-2-70. Beekeeping.

(a) It is a nuisance and unlawful to possess, harbor, keep, maintain or permit a bee colony within the City, except as provided within the City’s Land Development Code.

(b) It is a nuisance and unlawful for any person to possess, harbor, keep, maintain or permit Africanized bees and hybrids within the City.

(c) As used within this Subsection, *bee* means any stage of the common domestic honey bee, *Apis mellifera* species. *Bee* does not include Africanized bees and hybrids. As used within this Subsection *colony* means a hive and its equipment and appurtenances, including bees, comb, honey, pollen, and brood.

Section 3. **Amendment to Land Development Code (Chapter 12 of Municipal Code).** Subsection (E) of Section 12-3-603, titled *Accessory Buildings and Structures*, of the Municipal Code (2011 Land Development Code) is repealed and reenacted to read in full as follows:

E. Accessory Buildings or Structures Other than Detached Garages.

1. *Requirements for All Accessory Buildings or Structures Other than Detached Garages.*

a. *Footprint.* No detached accessory building or buildings shall cover an area that is larger than that covered by the principal building, nor cover more than 25 percent of the required rear yard or 600 square feet, whichever is less, except that:

i. In the RS, NC18, and NI18 districts, no detached accessory building or buildings shall cover an area that is larger than 50 percent of the footprint of the principal building.

- ii. In the AG district, accessory buildings and structures are permitted as needed to support agricultural uses. Nonagricultural accessory buildings shall conform to the requirements of the RS district, set out in subsection E.2.a above.
 - iii. In the NC2A district, there shall be no limitation on the footprint of accessory structures, except that the lot shall conform to the maximum building coverage ratio established in Table 0-3-301, *Single-Family Lot and Building Standards*.
- 2. *Requirements for Sheds that are 120 Square Feet or Smaller and Less than 10 Feet in Height to Peak of Roof.* Sheds that are 120 square feet or less in floor area and not more than 10 feet in height to the peak of the roof may be located anywhere in a side or rear yard, provided that:
 - a. If they are located closer than two feet to a side or rear lot line, the area between the shed and the lot line is:
 - i. The location of an opaque wall or fence that is at least five feet in height; or
 - ii. Planted with shrubs that will grow to form a hedge with a height of at least three feet within not more than 18 months of planting; and
 - b. They are not located in utility easement unless the property owner provides written permission from the easement holder; and
 - c. They do not create nonconformities with respect to the building code on adjacent properties; and
 - d. They do not alter or block the flow of stormwater drainage.
- 3. *Requirements for Accessory Buildings or Structures for the Keeping of Chickens and Permitted Wild Animals.*
 - a. *Height.* Height shall not exceed 10 feet to the peak of the roof.
 - b. *Setbacks.*
 - i. Front: Behind the principal building.
 - ii. Street Side. Equal to the street side setback required for the principal building.
 - iii. Interior Side: 10 feet.
 - iv. Rear: 10 feet.
- 4. *Requirements for Accessory Buildings or Structures for Beekeeping.*

- a. *Permitted Lots.* Hive boxes are only permitted on residentially and agriculturally zoned lots with single-family detached dwelling units.
- b. *Hive Box Height and Area.* Hive boxes and any ground-mounted appurtenances are permitted to be a combined height of up to six (6) feet above ground level and up to ten (10) cubic feet in area.
- c. *Setbacks.*
 - i. Front: Behind the principal building.
 - ii. Street Side. Equal to the street side setback required for the principal building.
 - iii. Interior Side: Ten (10) feet.
 - iv. Rear: Ten (10) feet.
- d. *Hive Boxes.* All bee colonies shall be kept in hive boxes with movable combs or frames.
- e. *Hive Box Maximums.* Maximum hive boxes permitted per residential and agricultural zone lot:
 - i. Lots less than one-quarter acre in size: Two (2) hive boxes.
 - ii. Lots between one-quarter acre and less than one-half acre in size: Four (4) hive boxes.
 - iii. Lots between one-half acre and less than one-acre in size: Six (6) hive boxes.
 - iv. Lots between one-acre and less than two-acres in size: Eight (8) hive boxes.
 - v. Lots two acres and greater in size: Twelve (12) hive boxes.
 - vi. Exception: For lots where all hive boxes are situated at least two hundred fifty (250) feet in any direction from all property lines of the lot, there is no limit as to the maximum hive boxes permitted per residential lot.

5. *Requirements for Other Detached Buildings or Structures.*

- a. *Height.* Height shall not exceed one story or 17 feet, whichever is lower, except that:
 - i. In NC2A district, accessory buildings or structures may exceed one story or 17 feet in height if the accessory building or structure meets the principal structure setbacks established in Table 0-3-301 of this LDC.

b. *Setbacks.*

- i. Front: Behind the principal building.
- ii. Street Side. Equal to the street side setback required for the principal building.
- iii. Interior Side: 5 feet.
- iv. Rear: 5 feet.

Section 4. Division 16-2, titled *General Definitions*, of Chapter 12 of the Municipal Code (2011 Land Development Code) is hereby amended to add the following definitions to read in full as follows:

Bee means any stage of the common domestic honey bee, *Apis mellifera* species. *Bee* does not include Africanized bees and hybrids.

Colony means a hive and its equipment and appurtenances, including bees, comb, honey, pollen, and brood.

Hive/Hive Box means a structure intended for the housing of a bee colony. Hive boxes are permitted to be up to six (6) feet in height and up to ten (10) cubic feet in area.

Section 5. **Severability.** Should any one or more sections or provisions of this Ordinance or of any of the primary or secondary codes adopted by reference be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance or the codes adopted by reference hereby, the intention being that the various sections and provisions are severable.

Section 6. **Repeal.** Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

Section 7. **Effective Date.** Except as otherwise expressly provided herein, the provisions of this Ordinance shall become effective thirty (30) days after publication following final passage.

INTRODUCED, READ, AND ORDERED PUBLISHED BY THE CITY COUNCIL OF THE CITY OF CENTENNIAL, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD ON THE ____ DAY OF _____, 2016.

CITY OF CENTENNIAL

By: _____
Cathy A. Noon, Mayor

Approved as to Form:

For City Attorney's Office

I hereby certify that the above Ordinance was introduced to the City Council of the City of Centennial at its meeting of _____, 2016 and ordered published one time by title only in *The Villager* newspaper on _____, 2016, and in full on the City web site in accordance with Section 2-1-110 of the Municipal Code.

ATTEST:

SEAL

By: _____
City Clerk or Deputy City Clerk

FINALLY ADOPTED, PASSED, APPROVED WITH AMENDMENTS, IF ANY, AND ORDERED PUBLISHED BY TITLE ONLY, IN *THE VILLAGER* NEWSPAPER AND IN FULL ON THE CITY WEB SITE IN ACCORDANCE WITH SECTION 2-1-110 OF THE MUNICIPAL CODE BY THE CITY COUNCIL OF THE CITY OF CENTENNIAL, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS MEETING HELD ON THE ____ DAY OF _____, 2016, BY A VOTE OF ____ IN FAVOR AND ____ AGAINST.

CITY OF CENTENNIAL

By: _____
Cathy A. Noon, Mayor

I hereby certify that the above Ordinance was finally adopted by the City Council of the City of Centennial at its meeting of _____, 2016, and ordered published by title only,

one time by *The Villager* newspaper on _____, 2016 and in full on the City web site in accordance with Section 2-1-110 of the Municipal Code.

SEAL

ATTEST:

By: _____
City Clerk or Deputy City Clerk

Published in full via the City's website: www.centennialco.gov on March 18, 2016 by Barbara Setterlind, City Clerk.